

## HOUSING.

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No. 62 of 1983.

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AN ACT to amend the Housing Act 1980-1982.

[Assented to 13 December 1983.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Housing Amendment Act 1983*. Short title and citation.

(2) In this Act the Housing Act 1980-1982 is referred to as the principal Act. No. 58 of 1980 as amended by No. 10 of 1982.

(3) The principal Act as amended by this Act may be cited as the Housing Act 1980-1983.

Commence-  
ment.

2. (1) Subject to subsection (2) of this section this Act shall come into operation on the day on which it is assented to by the Governor.

(2) Section 4 of this Act shall come into operation on 1 January 1984.

Section 12A  
inserted.

3. After section 12 of the principal Act the following section is inserted—

Joint  
ventures.

“ 12A. (1) The Commission shall not enter into or participate in joint venture arrangements (notwithstanding that those arrangements would be in the general furtherance of the objects of this Act) unless—

(a) those arrangements are for the carrying out, control, or management, either jointly or by one party on behalf of any other, or otherwise as may be agreed in the common interest, of a project involving—

(i) the erection of houses;

(ii) the subdivision, or acquisition and subdivision, and development of land for housing and related purposes;

(iii) the provision of services in relation to houses or subdivided land;

(iv) the marketing of houses or subdivided land; or

(v) the provision of community facilities and amenities; and

(b) the Governor has, on the recommendation of the Minister, approved of the Commission entering into and participating in the arrangements.

(2) In subsection (1) "community facilities and amenities" has the same meaning as it has in section 61 (1).

(3) The Minister shall not recommend that the Governor approve of the Commission entering into and participating in joint venture arrangements relating to a project unless the Commission has submitted to him details that the Minister considers to be adequate of the proposed project and arrangements relating thereto and the Minister approves of the proposals.

(4) Without limiting the generality of the powers that the Commission may exercise under this Act for the purposes of participating in and giving effect to joint venture arrangements relating to a project, the Commission may—

- (a) seek and maintain appropriate representation on any board or other body having responsibility in the carrying out, management, or control of the project;
- (b) subject to any contract relating to the project, receive contributions or other moneys relating to the project and disburse or distribute or arrange for the disbursement or distribution of those contributions or other moneys.

(5) Where the Commission participates in joint venture arrangements relating to a project it shall ensure that adequate accounting records are maintained showing—

- (a) the several sources from which, and purposes for which, contributions relating to the project are received, and the manner in which those contributions are disbursed; and

- (b) the several sources from which other moneys relating to the project are received, and the manner in which those moneys are distributed,

and shall ensure that those records are open to inspection by responsible officers of the Commission, the Treasury of the State, and the Auditor General. ”.

Section 22  
amended.

4. (1) Section 22 of the principal Act is amended in subsection (1) by deleting paragraph (c) and substituting the following paragraph—

“ (c) to maintain, repair, and carry out any improvements to and generally to control and manage any houses and other buildings that are subject to contracts of sale, mortgages, or leases pursuant to this Act and any land on which such houses and other buildings are erected; ”.

(2) The power of the Commission to receive management fees properly incurred before the time of the coming into operation of this section but not received by the Commission before that time is not affected by subsection (1) of this section and nothing in this section shall be taken as limiting the application of section 16 or 17 of the Interpretation Act 1918.

Section 64  
substituted.

5. Section 64 of the principal Act is repealed and the following section is substituted—

Provisions  
as to  
debentures  
and  
inscribed  
stock.

“ 64. (1) Debentures or inscribed stock shall not be issued by the Commission otherwise than—

(a) in a form authorized by the Treasurer; or

(b) as may be prescribed.

(2) Interest secured by any debenture is payable half yearly or on such other dates as are specified in the debenture at the rate and in the manner therein specified.

(3) No notice of any trust, express, implied or constructive, shall be received by the Commission or by an officer of the Commission in relation to a debenture or any inscribed stock issued pursuant to this Act, and the Commission or the officer is not bound to see to the execution of any trust to which a debenture or inscribed stock may be subject.

(4) A person advancing money to the Commission and receiving in consideration of the advance a debenture or inscribed stock issued under this Act is not bound to inquire into the application of the money advanced and is not in any way responsible for the non-application or misapplication thereof.

(5) The Commission may pay brokerage in relation to any loan in respect of which a debenture or inscribed stock is issued.

(6) The Commission shall cause a register of debentures to be kept and within a reasonable time after the issue of a debenture shall cause to be made an entry in the register specifying the date, terms and amount of the debenture and, in the case of a debenture other than a bearer debenture, the holder of the debenture.

(7) Regulations made under this Act may make provision for the creation and issue of inscribed stock and in relation to the transfer or transmission of, and dealings in, inscribed stock. ”

6. The Schedule to the principal Act is repealed. Schedule repealed.